



**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA**

**AT NAKURU**

**Criminal Appeal 22 of 1994**

**BONFACE NJOROGE.....APPELLANT**

**AND**

**REPUBLIC.....RESPONDENT**

**(Appeal from a judgment of the High Court of Kenya at Nairobi (Mr. Justice S.O. Oguk & Mr. Justice Msagha Mboghli) dated 25<sup>th</sup> November, 1993)**

**IN**

**H.C.C.CR. NO. 733 OF 1988)**

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**ORDER OF THE COURT**

The appellant has been informed by this Court that should he continue with this appeal there is a possibility that this court will restore the original sentence of death as ordered by the then Senior Resident Magistrate. The appellant has been explained that the judgment of the superior court reducing the offence to that of simple robbery as distinct from Robbery with Violence was contrary to law. The appellant has understood what has been explained to him and opts to withdraw this appeal. We allow such withdrawal and order that this appeal be and is hereby dismissed.

Made at Nairobi this 1<sup>st</sup> day of October, 1997.

R.O. KWACH

.....

JUDGE OF APPEAL

P.K. TUNOI

.....

JUDGE OF APPEAL

A.B. SHAH

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**